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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		25-273	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____	Application Number	Filed	
	10/811,816	3/30/2004	
	First Named Inventor		
	Hiromitsu YAMAKAWA		
	Art Unit	Examiner	
	2861	PHAM, H.	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.		Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/06)		Bruce Y. Arnold	
		Typed or printed name	
<input checked="" type="checkbox"/> attorney or agent of record.	Registration number 28,493	703-759-2991	
		Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.	Registration number if acting under 37 CFR 1.34 _____	March 19, 2007 (Monday)	
		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> *Total of 1 forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## PRE-APPEAL BRIEF REQUEST FOR REVIEW - APPLICATION NO. 10/811,816

Applicant's base claims (claims 1 and 3) each contain the limitation "a laser array imaging lens". One of ordinary skill in the art would immediately recognize that the term "laser array imaging lens" is intended to limit the subject matter being claimed to lenses that are capable of conjugating a laser array that forms an object of the laser array imaging lens onto a surface such that the resultant light pattern resembles the object, namely, the laser array. An f- $\theta$  lens, which is a type of **scanning lens** that is well known to those of ordinary skill in the art, is **not** capable of conjugating a laser array so as to form a light pattern that resembles the laser array. Therefore, the rejection of claims 1 and 3, as well as the rejections of claims 2, 4-17 and 19 that (directly or indirectly) depend from either base claim 1 or base claim 3, are clearly improper and should be reversed.

The Examiner has thus far **not** controverted Applicant's position that an f- $\theta$  lens as disclosed in U.S. Patent No. 6,067,106 to Ishibe et al. or U.S. Patent No. 5,991,063 to Ando is **not capable** of conjugating a "laser array" such that a resultant pattern of light resembles the laser array. As pointed out in the Request for Reconsideration filed 2/16/2007, an f- $\theta$  lens is not at all suitable for use in forming an image of an extended object, such as a laser array. Indeed, it has been pointed out that the term "imaging lens" is a term of art to those of ordinary skill in the art and that such lenses have an entirely different design and function from various types of "scanning lenses" (another term of art). Also, the Examiner has thus far **not** controverted Applicant's position that **one of ordinary skill in the art would immediately recognize** that the terms "scanning lens" and "imaging lens" refer to different species of lenses. The Examiner's position appears to be that the term "scan-imaging lens" is a term of art (i.e., a term having a defined meaning and commonly used by those of ordinary skill in the art). However, **even if** the term "f- $\theta$  lens" were commonly known to be a type of "scan-imaging lens" and **even if** the term "scan-imaging lens" were widely used and would be immediately recognized by one of ordinary skill in the art as being a broad term that is generic and includes both 'scanning lenses' and 'imaging lenses', Applicant's position (namely, that one of ordinary skill in the art would immediately recognize that the terms "imaging lens" and "scanning lens" **refer to mutually exclusive species** of lenses) would **not** be controverted.

Searches of the 'full-text' U.S. Patent collection (conducted on 3/11/2007) reveal that the number of patents that are retrieved when the search term "imaging lens" is input is 6,791, and the number of patents that are retrieved when the search term "scanning lens" is input is 1,144. On the other hand, only one patent is retrieved when the search term "scan-imaging lens" is input. Thus, the term "scan-imaging lens" is **not yet** a 'term of art'. Moreover, the Examiner's position that the term "imaging lens" is "a broad term used to define a lens for focusing the light beam to form an image on the surface with or without scanning so as to include the f- $\theta$  lens" is **entirely inconsistent** with the interpretation "imaging lens" would be given by one of ordinary skill in the art, as evidenced by the Exhibits A - G that were attached to the Request for Reconsideration filed on 2/16/2007.

More importantly, by the Examiner having now **clearly established** in the file prosecution history that the intended scope of the term "laser array imaging lens" (as used in each of base claims 1 and 3) **does not include** an f- $\theta$  lens as disclosed in U.S. Patent No. 6,067,106 to Ishibe et al. or U.S. Patent No. 5,991,063 to Ando, the rejections of record should clearly be reversed.

Respectfully submitted,

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